

ASSEMBLY BILL

No. 2010

**Introduced by Assembly Member Hancock
(Principal coauthor: Assembly Member Chan)**

February 13, 2004

An act to add and repeal Section 26840.10 of the Government Code, to add and repeal Section 103627 of the Health and Safety Code, and to add and repeal Section 18309 of the Welfare and Institutions Code, relating to domestic violence.

LEGISLATIVE COUNSEL'S DIGEST

AB 2010, as introduced, Hancock. Alameda County: domestic violence.

Existing law provides for county domestic violence program special funds for the purpose of funding local domestic violence programs. Certain fees payable at the time a marriage license is issued may be collected by the county clerks for deposit into these funds.

Existing law requires the collection of fees for certified copies of fetal death or death records and marriage or birth certificates. Existing law authorizes the board of supervisors of a county that has established a county children's trust fund to increase the fee for a certified copy of a birth certificate for purposes of the fund.

Existing law, the Contra Costa County "Zero Tolerance for Domestic Violence" Act, authorizes the Board of Supervisors of Contra Costa County, until 2007, to increase fees, up to a maximum increase of \$2, for certified copies of marriage certificates, birth certificates, fetal death records, and death records, for the purposes of providing funding for governmental oversight and for the coordination of domestic violence prevention, intervention, and prosecution efforts in the county.

The Contra Costa County Board of Supervisors is required to submit a report to the Assembly Judiciary Committee and the Senate Judiciary Committee, by July 1, 2006, regarding the receipt of these fees, the expenditure of these funds, and the outcomes achieved as a result of certain activities.

This bill would establish the Alameda County “Zero Tolerance for Domestic Violence” Act, which would authorize the Board of Supervisors of Alameda County to make similar fee increases, until January 1, 2010. The bill would require the board, by July 1, 2009, to submit a report on funds received and expended in connection with the fee increases, and the outcome of activities associated with the act, to the Assembly Judiciary Committee and the Senate Judiciary Committee.

This bill would make legislative findings regarding the need for special legislation.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. (a) This act shall be known and may be cited as
- 2 the Alameda County “Zero Tolerance for Domestic Violence”
- 3 Act.
- 4 (b) The Legislature finds and declares all of the following:
- 5 (1) Since 1996, over 150 individuals have died due to domestic
- 6 violence in Alameda County.
- 7 (2) In 2000 alone, a total of 6,283 domestic violence-related
- 8 calls were reported by law enforcement entities within Alameda
- 9 County, with 2,259 adult cases filed and prosecuted for domestic
- 10 violence.
- 11 (3) More than 9,000 crisis calls are made to the four domestic
- 12 violence shelter programs in Alameda County every year.
- 13 (4) Domestic violence is ubiquitous. It cuts across all economic
- 14 and education levels, all age groups, ethnicities, and other social
- 15 and community characteristics.
- 16 (5) Domestic violence is insidious. It is characterized by a
- 17 predictable, escalating cycle that can result in injury or death of
- 18 victims, including children.
- 19 (6) Domestic violence puts children at risk. Children in homes
- 20 where domestic violence occurs are physically abused or seriously



1 neglected at a rate significantly higher than the national average in
2 the general population, according to the National Woman Abuse
3 Prevention Project in Washington, D.C.

4 (7) Domestic violence is learned and generational. Studies
5 show that boys who witness family violence are more likely to
6 batter their female partners as adults than boys raised in nonviolent
7 homes. Girls who witness their mothers' abuse have higher rates
8 of being battered as adults.

9 (8) Substance abuse is a significant factor contributing to,
10 although not necessarily a cause of, domestic violence. Many
11 domestic violence offenders have documented histories of
12 substance abuse or were under the influence of drugs or alcohol at
13 the time the felony crime was committed.

14 (9) Domestic violence is costly, both in human and
15 organizational terms. The results of domestic violence have many
16 "hidden" costs, such as job turnover, loss of productivity, school
17 absenteeism, and low school performance, in addition to the high
18 cost of law enforcement, civil and criminal justice, health services,
19 mental health services, substance abuse treatment, human
20 services, and community-based services.

21 (10) Alameda County has declared a "zero tolerance for
22 domestic violence," recognizing that the domestic violence
23 prevention, intervention, and prosecution system is complex and
24 multifaceted, spanning civil, criminal, health, and social service
25 sectors and that, to be effective, there must be alignment in the
26 objectives, protocols, policies, and activities of each sector.

27 (11) Alameda County has determined that achievement of this
28 alignment requires governmental oversight and coordination of
29 the multiple agencies involved in the domestic violence system.
30 This oversight and coordination is an essential link in a
31 comprehensive effort to eliminate domestic violence.

32 (12) Alameda County's policy of "zero tolerance for domestic
33 violence" addresses the full spectrum of prevention, early
34 intervention, response, and remediation, as well as holding
35 participating agencies accountable through specified performance
36 measures and enhancing the automated systems that collect and
37 report data.

38 (13) Alameda County has also determined that the fees
39 authorized by this legislation shall not exceed the cost of

1 governmental oversight and coordination of the domestic violence
2 system.

3 (14) Alameda County has further determined that the fees
4 authorized by Section 26840.7 of the Government Code are not
5 sufficient or allowable for this purpose, as these funds are to be
6 used only for domestic violence centers offering direct services,
7 and are currently fully utilized for this purpose.

8 SEC. 2. Section 26840.10 is added to the Government Code,
9 to read:

10 26840.10. (a) The Alameda County Board of Supervisors,
11 upon making findings and declarations for the need for
12 governmental oversight and coordination of the multiple agencies
13 dealing with domestic violence, may authorize an increase in the
14 fees for marriage licenses and confidential marriage licenses, up
15 to a maximum increase of two dollars (\$2).

16 (b) Effective July 1 of each year, the Alameda County Board of
17 Supervisors may authorize an increase in these fees by an amount
18 equal to the increase in the Consumer Price Index for the San
19 Francisco metropolitan area for the preceding calendar year,
20 rounded to the nearest half-dollar. The fees shall be allocated
21 pursuant to Section 18309 of the Welfare and Institutions Code.

22 (c) In addition to the fee prescribed by Section 26840.1, in
23 Alameda County, the person issuing authorization for the
24 performance of a marriage or confidential marriage, or the county
25 clerk upon providing a blank authorization form pursuant to Part
26 4 (commencing with Section 500) of Division 3 of the Family
27 Code, shall collect the fees specified in subdivisions (a) and (b),
28 at the time of providing the authorization.

29 (d) The Alameda County Board of Supervisors shall submit to
30 the Assembly Judiciary Committee and the Senate Judiciary
31 Committee, no later than July 1, 2009, a report containing the
32 following information:

33 (1) The annual amounts of funds received and expended from
34 fee increases for the purpose of governmental oversight and
35 coordination of domestic violence prevention, intervention, and
36 prosecution efforts in the county.

37 (2) Outcomes achieved as a result of the activities associated
38 with the “Zero Tolerance for Domestic Violence” Act.

(e) This section shall remain in effect only until January 1, 2010, and as of that date is repealed, unless a later enacted statute deletes or extends that date.

SEC. 3. Section 103627 is added to the Health and Safety Code, to read:

103627. (a) The Alameda County Board of Supervisors, upon making findings and declarations supporting the need for governmental oversight and coordination of the multiple agencies dealing with domestic violence, may authorize an increase in the fees for certified copies of marriage certificates, birth certificates, fetal death records, and death records, up to a maximum increase of two dollars (\$2).

(b) Effective July 1 of each year, the Alameda County Board of Supervisors may authorize an increase in these fees by an amount equal to the increase in the Consumer Price Index for the San Francisco metropolitan area for the preceding calendar year, rounded to the nearest half-dollar. The fees shall be disposed of pursuant to the provisions of Section 18309 of the Welfare and Institutions Code.

(c) In addition to the fees prescribed by subdivisions (a) and (b), any applicant for a certified copy of a birth certificate, a fetal death record, or death record in Alameda County shall pay an additional fee to the local registrar, county recorder, or county clerk as established by the Alameda County Board of Supervisors.

(d) This section shall remain in effect only until January 1, 2010, and as of that date is repealed, unless a later enacted statute deletes or extends that date.

SEC. 4. Section 18309 is added to the Welfare and Institutions Code, to read:

18309. (a) The Alameda County Board of Supervisors shall direct the local registrar, county recorder, and county clerk to deposit fees collected pursuant to Section 26840.10 of the Government Code and Section 103627 of the Health and Safety Code into a special fund. The county may retain up to 4 percent of the fund for administrative costs associated with the collection and segregation of the additional fees and the deposit of these fees into the special fund. Proceeds from the fund shall be used for governmental oversight and coordination of domestic violence and family violence prevention, intervention, and prosecution efforts among the court system, the district attorney's office, the

1 public defender's office, law enforcement, the probation
2 department, mental health, substance abuse, child welfare
3 services, adult protective services, and community-based
4 organizations and other agencies working in Alameda County in
5 order to increase the effectiveness of prevention, early
6 intervention, and prosecution of domestic and family violence.

7 (b) This section shall remain in effect only until January 1,
8 2010, and as of that date is repealed, unless a later enacted statute
9 deletes or extends that date.

10 SEC. 5. Due to the unique circumstances of the County of
11 Alameda with respect to domestic violence, the Legislature hereby
12 finds and declares that a general statute cannot be made applicable
13 within the meaning of Section 16 of Article IV of the California
14 Constitution. Therefore, the special legislation contained in
15 Sections 2 to 4, inclusive, of this act is necessarily applicable only
16 in the County of Alameda.

